

OFFICE OF CONGRESSIONAL AFFAIRS

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A BILL

To authorize appropriations for Fiscal Years 1990 and 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Intelligence Authorization Act for Fiscal Years 1990 and 1991."

TITLE I INTELLIGENCE ACTIVITIES

Authorization of Appropriations

SEC. 101. Funds are hereby authorized to be appropriated for Fiscal Years 1990 and 1991 for the conduct of the intelligence activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency
- (2) The Department of Defense
- (3) The Defense Intelligence Agency
- (4) The National Security Agency
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force
- (6) The Department of State
- (7) The Department of the Treasury
- (8) The Department of Energy
- (9) The Federal Bureau of Investigation

Classified Schedule of Authorizations

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1990 and 1991, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Committee of Conference to accompany () of the One Hundred and First Congress.

That Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of

Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive branch.

Personnel Ceiling Adjustments

SEC. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for Fiscal Years 1990 and 1991 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II INTELLIGENCE COMMUNITY STAFF

Authorization of Appropriations

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for Fiscal Year 1990 the sum of \$20,568,000 and for Fiscal Year 1991 the sum of \$20,231,000.

Authorization of Personnel End Strength

SEC. 202.(a) The Intelligence Community Staff is authorized 190 full-time personnel as of September 30, 1990 and 190 full-time personnel as of September 30, 1991. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During Fiscal Years 1990 and 1991, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence activities.

(c) During Fiscal Years 1990 and 1991, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

**Intelligence Community Staff Administered
in Same Manner as Central Intelligence Agency**

SEC. 203. During Fiscal Years 1990 and 1991, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et. seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et. seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

**TITLE III
CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM**

Authorization of Appropriations

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for Fiscal Year 1990 the sum of \$154,900,000 and for Fiscal Year 1991 the sum of \$164,600,000.

**TITLE IV
CENTRAL INTELLIGENCE AGENCY
ADMINISTRATIVE PROVISIONS**

Eligibility for Annuity

SEC. 401. (a) The Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, is amended --

- (1) by redesignating section 236 as section 237; and

- (2) by inserting before the heading "Limitation on Number of Retirements," the following:

"Eligibility for Annuity

"SEC. 236. A participant must complete, within the last two years before any separation from service, except a separation because of death or disability, at least one year of creditable civilian service during which he or she is subject to this title before he or she or his or her survivors are eligible for an annuity under this title based on the separation. If a participant, except a participant separated from the service because of death or disability, fails to meet the service requirement of the preceding sentence, the amounts deducted from his or her pay during the period for which no eligibility is established based on the separation shall be returned to him or her on the separation. Failure to meet this service requirement does not deprive the individual or his or survivors of annuity rights which attached on a previous separation.".

- (b) This amendment shall be effective on the date of enactment of this Act.

Death in Service Benefit for Former Spouses

SEC. 402. (a) Section 232(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, is amended --

- (1) by adding at the end of paragraph (1) thereof the following new sentence: "Payment of death in service benefits for former spouses is also subject to paragraph (4) of this subsection"; and
- (2) by adding after paragraph (3) thereof the following:

"(4) If a former spouse eligible for death in service benefits under provisions of this section is or becomes eligible for survivor benefits under section 224, the benefits provided under this section will not be payable and will be superseded by the benefits provided in section 224."

- (b) The amendment made by this section shall take effect on November 15, 1982.

Disability Retirement and Death In Service Benefits

SEC. 403. The Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), is amended by adding after section 17 the following new section:

"SPECIAL RULES FOR DISABILITY RETIREMENT AND DEATH IN SERVICE BENEFITS WITH RESPECT TO CERTAIN EMPLOYEES"

"SEC. 18. (a) Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83 of title 5, United States Code, who--

- (i) has five years of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;
- (ii) has not been designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), as a participant in the Central Intelligence Agency Retirement and Disability System;
- (iii) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation under section 203; and
- (iv) satisfies the requirements for disability retirement under section 8337 of title 5, United States Code--

shall, upon his own application or upon order of the Director, be retired on an annuity computed in accordance with the rules prescribed in such section 231, in lieu of an annuity computed as provided by section 8337 of title 5, United States Code.

"(b) Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83, title 5, United States Code, who--

- (i) has at least eighteen months of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;
- (ii) has not been designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), as a participant in the Central Intelligence Agency Retirement and Disability System;
- (iii) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation under such section 203; and
- (iv) is survived by a widow or widower, former spouse, and/or a child or children as defined in section 204 and section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, who would otherwise be entitled to an annuity under section 8341 of title 5, United States Code--

such widow or widower, former spouse, and/or child or children of such officer or employee shall be entitled to an annuity computed in accordance with such section 232, in lieu of an annuity computed in accordance with section 8341 of title 5, United States Code.

"(c) Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under chapter 84 of title 5, United States Code, who--

- (i) has completed at least 18 months of civilian service creditable under section 8411 of title 5, United States Code;
- (ii) has not been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note);

(iii) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation pursuant to such section; and

(iv) satisfies the requirements for disability retirement under subchapter V of chapter 84, title 5, United States Code--

shall, on the officer's or employee's own application or an application by the Director, be retired on an annuity computed as if the officer or employee, prior to becoming disabled, had been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), in lieu of the annuity amount that would otherwise be computed under subchapter V of chapter 84 of title 5, United States Code.

"(d) Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under chapter 84 of title 5, United States Code, who--

(i) has at least 18 months of civilian service creditable under section 8411 of title 5, United States Code;

(ii) has not been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note);

(iii) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation pursuant to such section; and

(iv) is survived by a widow or widower, former spouse, and/or child or children as defined in section 8441 of title 5, United States Code, who would be entitled to a lump-sum survivor benefit, a

survivor annuity and/or if applicable, a supplementary annuity, under subchapter IV of chapter 84, title 5, United States Code--

the survivor benefit or benefits of such widow or widower, former spouse, and/or child or children shall be computed as if the officer or employee, prior to death, had been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), in lieu of the benefit amount or amounts that would otherwise be computed pursuant to subchapter IV of chapter 84, title 5, United States Code.

(e) (1) The annuities provided under subsections (a) and (b) of this section shall be deemed to be annuities under chapter 83 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities, and shall be payable from the Civil Service Retirement and Disability Fund established under section 8348 of such title.

(2) The annuities and/or other benefits provided under subsections (c) and (d) of this section shall be deemed to be annuities and/or benefits under chapter 84 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities and/or benefits, and shall be payable from the Civil Service Retirement and Disability Fund established pursuant to section 8348 of title 5, United States Code.

TITLE V PERSONNEL AUTHORITIES IMPROVEMENTS

Defense Intelligence College Gift Acceptance Authority

SEC. 501. (a) Chapter 155 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"2606. Gifts to support the Defense Intelligence College

(a) The Secretary of Defense is authorized to accept, hold, administer, and use gifts, to include bequests or devises, money, securities, or other property, both real and personal, for the purpose of aiding and facilitating the work of the Defense Intelligence College.

(b) Gifts of money and proceeds from sales of property received as gifts shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.,

(c) For purposes of federal income, estate, and gift taxation, gifts accepted by the Secretary under this section shall be considered to be to or for the use of the United States.

(d) The Secretary of Defense shall prescribe regulations to carry out this section.

(b) The table of contents of chapter 155 of title 10, United States Code, is amended by adding at the end thereof the following:

"2606. Gifts to support the Defense Intelligence College."

Extension of DIA Employee Termination Authority

SEC. 502. Section 1604(e)(1) of title 10, United States Code, is amended by striking "during Fiscal Years 1988 and 1989."

Requirements for Citizenship for Staff of United States Army Russian Institute

SEC. 503. (a) For purposes of section 319(c) of the Immigration and Nationality Act (8 U.S.C. 1430(c)), the United States Army Russian Institute, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of that section.

(b) Subsection (a) shall apply with respect to periods of employment before, on, or after the date of the enactment of this Act.

Permanent Special Termination Authority
For the Secretary of Defense

SEC. 504. Section 1590(e)(1) of title 10, United States Code, is amended by striking, "during Fiscal Years 1988 and 1989,".

Defense Attache Death Gratuity

SEC. 505. (a) During Fiscal Year 1990, the Secretary of Defense may pay a death gratuity identical to that payable under Section 1489(b) of title 10, United States Code, to the surviving dependents of a member of the Armed Forces who, while serving on active duty assigned to a Defense Attache office outside the United States, died as a result of hostile or terrorist activities.

(b) The death gratuity referred to in subsection (a) may be paid with respect to an individual who died on or after June 15, 1988.

(c) The Secretary of Defense shall submit to Congress no later than March 1, 1990 a report concerning the advisability of permanent law permitting the payment of death gratuities to the survivors of any member of the armed services who, while on active duty assigned to a Defense Attache office outside the United States, dies as a result of hostile or terrorist activities.

TITLE VI
FBI ENHANCED COUNTERINTELLIGENCE AUTHORITIES

Adjustment to Demonstration Project
For the New York Field Division

SEC. 601. Subsection 601(a)(2) of the Intelligence Authorization Act for Fiscal Year 1989 is amended by deleting "who are subject by policy and practice to directed geographical transfer or reassignment".

Personnel Ceiling on United States and Soviet Missions

SEC. 602. It is the sense of the Congress that the ceiling on permanent positions at the United States Mission to the Soviet Union and the Soviet Mission to the United States should not be increased unless:

(a) The National Security Council determines that such increase is essential to the effective functioning of the United States Mission to the Soviet Union; and

(b) The FBI is provided sufficient additional resources to fulfill its responsibilities resulting from the increased number of permanent positions at the Soviet Mission to the United States.

TITLE VII GENERAL PROVISIONS

Increase in Employee Compensation and Benefits Authorized by Law

SEC. 701. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.